

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

TREVOR NUNN,)	
)	
Plaintiff,)	
vs.)	1:11-cv-282-SEB-MJD
)	
MARK LEVENHAGEN, Superintendent of)	
the Westville Control Unit,)	
)	
Defendant.)	

**Order Discussing Transferring
Action to Northern District of Indiana**

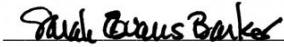
Plaintiff Trevor Nunn, is confined in the Control Unit, at the Westville Correctional Facility, an Indiana prison located in LaPorte County, which lies within the Northern District of Indiana. 28 U.S.C. § 94. Nunn filed this civil rights complaint pursuant to 42 U.S.C. § 1983 alleging that he has been placed in the Indiana Department of Correction's most restrictive unit, the Westville Control Unit ("WCU"), without due process. He alleges that the WCU deprives its residents of any environmental or sensory stimuli and nearly all human contact. His placement at the WCU is indefinite. He alleges that his placement amounts to an atypical and significant hardship within the correctional context. Nunn seeks injunctive relief, specifically notice of the reason for his placement in department wide administrative segregation, a hearing, and release from the department wide administrative segregation unit.

When jurisdiction is not founded solely on diversity, venue is proper only in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Here, the alleged treatment plaintiff is receiving is taking place in the Northern District of Indiana. The claim against the defendants with state-wide responsibilities could be asserted in an action in the Northern District. The evidence lies in the Northern District. Another statute, 28 U.S.C. § 1404, provides: "For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought." Under these circumstances, the better venue for the action is the Northern District of Indiana.

Accordingly, the above action is now **TRANSFERRED** to the United States District Court for the Northern District of Indiana at South Bend, Indiana.

IT IS SO ORDERED.

Date: 04/29/2011


SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Trevor Nunn
#884907
Westville Correctional Center
5501 South 1100 West
Westville, IN 46391